



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 16 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

The Honorable Walter C. Nelson
Mayor of Gooding
City of Gooding
308 5th Ave West
Gooding, Idaho 83330

Re: August 25, 2015, NPDES Compliance Inspection
NPDES Permit Number ID-002002-8

Dear Mayor Nelson:

On May 1, 2000, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Gooding, Idaho (City) wastewater treatment facility (Facility), NPDES Permit Number ID-002002-8 (Permit). The purpose of this letter is to notify you of violations the EPA discovered after reviewing our administrative files including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the August 25, 2015 inspection of the Facility conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of this inspection was to determine the City's compliance with the requirements of the Clean Water Act (CWA) and the NPDES permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

REVIEW OF ADMINISTRATIVE FILES

1. EPA reviewed the DMRs from December 2010 to December 2015 and identified effluent limitation exceedances that constitute 137 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).
2. Part II.C of the Permit states that monitoring results shall be summarized each month on the DMR form (EPA No. 3320-1), shall be submitted monthly and are to be postmarked by the 10th day of the following month.

During the EPA review of DMR data from December 2010 to December 2015, it was identified that the City failed to submit the DMR for October 2015. This is a violation of Part II.C of the Permit.

3. Part II.C of the Permit states that monitoring results shall be summarized each month on the DMR form (EPA No. 3320-1), shall be submitted monthly and are to be postmarked by the 10th day of the following month.

During the EPA review of DMR data from December 2010 to December 2015, it was identified that the City had five late DMR submittals. These are violations of Part II.C of the Permit. A list of these violations is enclosed (Enclosure B).

4. On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure C).

AUGUST 2015 INSPECTION

1. Part I.B.2 of the Permit specifies that throughout all sample collection and analysis activities, the Permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in:

- a) Requirements for Quality Assurance Project Plans, EPA QA/R-5 EPA, and
- b) Guidance on Quality Assurance Project Plans, EPQ QA/G-5.

At the time of the inspection, the inspector noted that the Quality Assurance Plan (QAP) was not following the chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans*. This is a violation of Part I.B.2 of the Permit.

2. Part I.B.4 of the Permit states that at a minimum the QAP shall include the following:

- Sampling techniques (field blanks, replicates, duplicates, control samples, etc.).
- Sampling preservation methods.
- Sampling shipment procedures.
- Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
- Qualification and training of personnel.
- Analytical methods (including quality control checks, quantification/detection levels).

At the time of the inspection, the inspector noted that the QAP did not contain all information required in Part I.B.4. These are violations of Part II.B.4 of the Permit.


3. Part I.B.5 of the Permit states that name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the Permittee, shall be specified in the QAP.

At the time of the inspection, the inspector noted that the QAP did not contain all information required by Part I.B.5 of the Permit. These are violations of Part I.B.5 of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure D). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Stephen Berry
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